

FILED

MAY 3 2006

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ALVARIO LARIOS,
A.K.A. FLACO,

Defendant.

§ CRIMINAL NO. SA-06-CR-137-XR

§

§ **FIRST SUPERSEDING INDICTMENT**

§

§ [Vio: Ct. 1: 26 U.S.C. § 5861(d) -

§ Possession of an Unregistered Firearm;

§ Ct. 2: 21 U.S.C. § 841(a)(1) - Possession of

§ Cocaine with Intent to Distribute;

§ Ct. 3: 18 U.S.C. § 924(c)(1) - Possession of

§ a Destructive Device in Furtherance of a

§ Drug Trafficking Crime;

§ Ct. 4: 18 U.S.C. § 922(g)(5)(A) - Possession

§ of a Firearm by an Illegal Alien]

THE GRAND JURY CHARGES:

COUNT ONE

[26 U.S.C. § 5861(d)]

That on or about March 1, 2006, within the Western District of Texas, the Defendant,

**ALVARO LARIOS,
A.K.A. FLACO,**

knowingly possessed a firearm, namely, a destructive device, to wit: 15 grenades not registered to him in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

COUNT TWO

[21 U.S.C. § 841(a)(1)]

That on or about March 1, 2006, within the Western District of Texas, the Defendant,

**ALVARO LARIOS,
A.K.A. FLACO,**

unlawfully, knowingly, and intentionally distribute a controlled substance, which offense involved less than 500 grams of a mixture or substance containing a detectable amount of cocaine, a Schedule II Controlled Substance, contrary to Title 21, United States Code, Sections 841(a)(1) & 841(b)(1)(C).

COUNT THREE
[18 U.S.C. § 924(c)(1)]

That on or about March 1, 2006, within the Western District of Texas, the Defendant,

**ALVARO LARIOS,
A.K.A. FLACO,**

during and in relation to a drug trafficking crime, specifically, the distribution of a controlled substance charged in Count Two, and incorporated by reference herein, and in furtherance of such crime used and possessed a firearm, namely, a destructive device, to wit: 15 grenades, in violation of Title 18, United States Code, Section 924(c)(1).

COUNT FOUR
[18 U.S.C. § 922(g)(5)(A)]

That on or about March 1, 2006, within the Western District of Texas, the Defendant,

**ALVARO LARIOS,
A.K.A. FLACO,**

who being an alien illegally or unlawfully in the United States, did knowingly possess in and affecting commerce a firearm, namely, a destructive device, to wit: 15 grenades in violation of Title 18, United States Code, Section 922(g)(5)(A).

A TRUE BILL.



FOREPERSON OF THE GRAND JURY

JOHNNY SUTTON
UNITED STATES ATTORNEY

BY: 

Don J. Calvert
Assistant United States Attorney